

REMARKS

Claims 1-4 are pending in the above-identified application. In the Office Action of December 5, 2007, claims 1-4 were rejected. Claim 5 was cancelled in a previous amendment and remains cancelled.

With this Amendment, claims 1 and 4 are amended. Accordingly, claims 1-4 are at issue.

I. Objection To Drawings

The Examiner objects to the drawings under 37 C.F.R. § 1.83(a), indicating that Figure 2 fails to show the straight line and curved line.

With the current amendment, claim 1 is amended to accommodate the examiner's request and overcome objections.

II. 35 U.S.C. § 112 Indefiniteness Rejection of Claims

Claim 4 was rejected under 35 U.S.C. § 112, second paragraph.

Claims 4 is amended to accommodate the examiner's request and overcome objections. Accordingly, Applicant respectfully requests withdrawal of this rejection.

III. 35 U.S.C. § 102 Anticipation Rejection of Claims and 35 U.S.C. § 103 Obviousness Rejection of Claims

Claims 1-5 were rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over *Fujimoto et al.* (EP 0704921 A1). Applicant respectfully traverses this rejection.

In relevant part, claim 1 recites:

“the outer anode active material layer and the inner anode active material layer are alloyed through heat treatment with the anode current collector in at least a portion of the interface with the anode current collector.”

This is clearly unlike *Fujimoto*, which fails to disclose or even fairly suggest the outer anode active material layer and the inner anode active material layer alloying through heat

treatment with the anode current collector in at least a portion of the interface with the anode current collector.

Instead, *Fujimoto* discloses the intercalation of lithium into the anode active layer precursor without disclosing anything relating to the alloying of the anode active layer and the anode current collector. EP 0704921 Page 10 l. 1-13. Further, nowhere does *Fujimoto*, disclose the outer anode active material layer and the inner anode active material layer alloying through heat treatment with the anode current collector in at least a portion of the interface with the anode current collector.

As the Applicant's specification discloses, by using heat treatment to alloy the outer anode active material layer and the inner anode active material layer with the anode current collector in at least a portion of the interface with the anode current collector, an adequate amount of alloying is performed to prevent the fracture of the inner and outer anode active material layer due to expansion and shrinkage during charge and discharge is prevented. See Applicant's Specification Page 11, l. 1-13. Accordingly, the battery disclosed in *Fujimoto* is incapable of being the claimed battery.

Therefore, because *Fujimoto* fails to disclose, or even fairly suggest, every feature of claim 1, the rejection is improper. Because claims 2-4 depend, either directly or indirectly from claim 1, those claims are patentable for the same reasons.

IV. Conclusion

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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